REMARKS

In the Office Action, the Examiner rejected claims 1, 4-6, 8-15, and 17-20 under

35 U.S.C. § 103(a) as unpatentable over WO 01/88703 A1 to Hatcher, Clark et al.

(Clark) in view of U.S. Patent Application Publication No. 2004/0205707 to Kothari in

view of U.S. Patent Application Publication No. 2004/0205707 to AlSafadi et al.

(AlSafadi); and rejected claims 7 and 16 under 35 U.S.C. § 103(a) as unpatentable over

Clark, Kothari, AlSafadi, and U.S. Patent No. 7,000,182 to Iremonger et al. (Iremonger).

By this amendment, Applicants amend claims 1, 14, 15, and 18 to more clearly

define the features of those claims and cancels claim 13 without prejudice or disclaimer.

Claims 1 and 4-12, and 14-20 are currently pending.

The Examiner rejected claims 1, 4-6, 8-15, and 17-20 under 35 U.S.C. § 103(a)

as unpatentable over Clark in view of Kothari and AlSafadi. Applicants respectfully

traverse this rejection.

Amended claim 1 recites a combination of features including, among other

things, "extracting, using a filter, at least one user-changeable code portion from the

existing informational display by placing the at least one user-changeable code portion

in a file, wherein at least one input field is bound, using an XPATH statement, to the

extracted code portion, the filter recognizing the at least one user-changeable code

portion from another code portion corresponding to a feature of the layout not

changeable by the user, the file isolating the at least one user-changeable code portion

from the other portion which is not changeable by the user, the user-changeable code

portion corresponding to at least one feature of the layout configured to allow changes

by the user, the binding performed using the XPATH statement to generate a new node

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in the informational display if the new node is specified by the XPATH statement and does not yet exist in the informational display." On pages 4-5 of the Office Action, the Examiner acknowledges that <u>Clark</u> fails to disclose the above-noted "extracting" feature.

To cure the above-noted gap in <u>Clark</u>, the Examiner relies on <u>Kothari</u>. In contrast to claim 1, <u>Kothari</u> discloses an Integrated Development Environment (IDE), which separates code from content. However, <u>Kothari</u> describes separating content, which, according to <u>Kothari</u>, refers to "visual aspects and mark-ups of a program," and code, which, according to <u>Kothari</u>, refers to "actual source code." But nowhere does <u>Kothari</u> disclose or suggest separating different types of content, much less user-changeable code portion and another code portion not changeable by the user. The Examiner recognizes this shortcoming in <u>Kothari</u>.

However, to cure this gap in <u>Kothari</u>, the Examiner uses impermissible hindsight stating that the modifications, which are proposed by the Examiner, to <u>Kothari</u> are not the result of innovation but of ordinary skill and common sense. Applicants disagree and submit that the Examiner appears to be taking official notice with respect to the modifications made to <u>Kothari</u>. If that is the case, Applicants request supporting evidence as required by M.P.E.P. 2144.03. Moreover, <u>AlSafadi</u> fails to cure the noted deficiencies of both <u>Kothari</u> and <u>Clark</u>. Absent such support, the rejection under 35 U.S.C. § 103(a) of claim 1 and claims 4-6 and 8-13, at least by reason of their dependency from independent claim 1, should be withdrawn.

Moreover, the Examiner failed to respond to Applicants arguments regarding <u>Kothari</u>'s "directive parser" not constituting a "filter," as recited in claim 1. Specifically, <u>Kothari</u>'s "directive parser" merely extracts code, and, as such,

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fails to disclose or suggest a filter with the above-noted features, i.e., "extracting, using a filter, at least one user-changeable code portion from the existing informational display by placing the at least one user-changeable code portion in a file, wherein at least one input field is bound, using an XPATH statement, to the extracted code portion, the filter recognizing the at least one user-changeable code portion from another code portion corresponding to a feature of the layout not changeable by the user, the file isolating the at least one user-changeable code portion from the other portion which is not changeable by the user, the user-changeable code portion corresponding to at least one feature of the layout configured to allow changes by the user, the binding performed using the XPATH statement to generate a new node in the informational display if the new node is specified by the XPATH statement and does not yet exist in the informational display."

In view of the foregoing, neither <u>Clark</u>, <u>Kothari</u>, nor <u>AlSafadi</u>, whether taken alone or in combination, discloses or suggests at least the following feature of claim 1: "extracting, using a filter, at least one user-changeable code portion from the existing informational display by placing the at least one user-changeable code portion in a file, wherein at least one input field is bound, using an XPATH statement, to the extracted code portion, the filter recognizing the at least one user-changeable code portion from another code portion corresponding to a feature of the layout not changeable by the user, the file isolating the at least one user-changeable code portion from the other portion which is not changeable by the user, the user-changeable code portion corresponding to at least one feature of the layout configured to allow changes by the user, the binding performed using the XPATH statement to generate a new node in the

informational display if the new node is specified by the XPATH statement and does not yet exist in the informational display." Therefore, the rejection under 35 U.S.C. § 103(a) of claim 1 and claims 4-6 and 8-13, at least by reason of their dependency from independent claim 1, should be withdrawn for this additional reason.

Regarding the motivation to combine, M.P.E.P. 2143.01 states "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)." Applicant submits that one of ordinary skill in the art would not be motivated to make the Clark-Kothari -AlSafadi combination proposed by the Examiner because the proposed modification of would make those references unsuitable for their intended purpose. Specifically, <u>Kothari</u> **teaches away from using a "file" as recited in claim 1 by expressly stating that the code and content are extracted into discrete buffers to separate the code and content.**[1] See <u>Kothari</u> at Brief Summary of the Invention Section. Applicants thus submit that modification proposed by the Examiner would make <u>Kothari</u> not suitable for its intended purpose of extracting to a buffer to provide separation. As such, to perform the modifications proposed by the Examiner would obviate the very purpose of <u>Kothari</u>. Therefore, one of ordinary skill in the art would not be motivated to make the Clark-Kothari -AlSafadi combination proposed by the Examiner. Therefore, the rejection of claim 1, 4-6, and 8-13, under 35 U.S.C. §103(a) should be withdrawn for this additional reason.

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[1] MPEP §2141.02 further notes that "a prior art reference must be considered in its entirety, i.e., as a <u>whole</u>, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

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Independent claims 14, 15, and 18, although of different scope, include features similar to those noted above for claim 1. For at least the reasons given above with respect to claim 1, the rejection under 35 U.S.C §103(a) of independent claims 14, 15, and 18, and claims 17-20, at least by reason of their dependency, should be withdrawn.

The Examiner rejected claims 7 and 16 under 35 U.S.C. § 103(a) as unpatentable over <u>Clark</u>, <u>Kothari</u> , and <u>AlSafadi</u> in view <u>Iremonger</u>. Applicants respectfully traverse this rejection.

Claim 7 depends from independent claim 1 and includes all the features recited therein including, among other things, "extracting, using a filter, at least one user-changeable code portion from the existing informational display by placing the at least one user-changeable code portion in a file, wherein at least one input field is bound, using an XPATH statement, to the extracted code portion, the filter recognizing the at least one user-changeable code portion from another code portion corresponding to a feature of the layout not changeable by the user, the file isolating the at least one user-changeable code portion from the other portion which is not changeable by the user, the user-changeable code portion corresponding to at least one feature of the layout configured to allow changes by the user, the binding performed using the XPATH statement to generate a new node in the informational display if the new node is specified by the XPATH statement and does not yet exist in the informational display." For at least the reasons given above with respect to claim 1, neither <u>Clark</u>, <u>AlSafadi</u>, nor <u>Kothari</u> discloses or suggests this noted feature. Moreover, the although <u>Iremonger</u> discloses layout creation, <u>Iremonger</u> fails to cure the noted deficiencies of <u>Clark</u> and <u>Kothari</u>. Moreover, the Examiner does not allege that <u>Iremonger</u> cures the above-noted

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deficiencies. Claim 7 is thus allowable over <u>Clark</u>, <u>Kothari</u>, <u>AlSafadi</u>, and <u>Iremonger</u>, whether taken alone or in combination, and thus the rejection of claim 7 under 35 U.S.C. § 103(a) should be withdrawn.

Claim 16, although of different scope, includes features similar to those noted above with respect to claim 7. For at least the reasons given above with respect to claim 7, claim 16 is allowable over <u>Clark</u>, <u>Kothari</u>, <u>AlSafadi</u>, and <u>Iremonger</u>, whether taken alone or in combination, and thus the rejection of claim 16 under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. No fee is believed to be due, however, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No.: 34874-095/2004P00159US

Respectfully submitted,

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